

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA

Joe Tajharey McFadden, # 343329,	)	C/A No. 4:13-3087-JFA-TER
	)	
Plaintiff,	)	
	)	
vs.	)	ORDER
	)	
Warden D. Michael McCall;	)	
Lt. Bradley;	)	
Sgt. Goodman;	)	
Ofc. Jackson;	)	
Ms. Tolver;	)	
Ms. R. Hilton;	)	
DW Davis, and	)	
Ms. McNair,	)	
	)	
Defendants.	)	
	)	

This case is before the Court because of Plaintiff's failure to comply with the magistrate judge's Order of March 17, 2014, ECF No. 11, and because of Plaintiff's failure to provide a current address for himself to the Court.

A review of the record indicates that the magistrate judge ordered Plaintiff to submit items needed to render this case into proper form within twenty-one days. The Court has not received any response from Plaintiff and the time for his compliance has passed.

The mail in which the Order was sent to Plaintiff at the address provided when the case was filed has been returned un-opened to the Court and marked "unable to forward." ECF No. 16. Review of the South Carolina Department of Corrections and the Federal Bureau of Prisons' internet website "inmate locator" functions shows that Plaintiff is not currently incarcerated in either system. *See In Re Katrina Canal Breaches Consol. Litig.*, 533 F. Supp. 2d 615, 631-33 & nn.14-15 (E.D. La. 2008) (collecting cases indicating that federal courts may take judicial notice of governmental

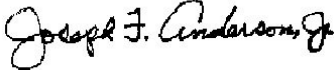
websites, including court records); *Williams v. Long*, 585 F. Supp. 2d 679, 686-88 & n.4 (D. Md. 2008) (collecting cases indicating that postings on government websites are inherently authentic or self-authenticating). Thus it appears that Plaintiff was released from custody and does not intend to continue to prosecute this case.

Plaintiff's lack of response and inferred intent to not continue prosecuting this case subjects this case to dismissal. *See* Fed. R. Civ. P. 41(b)(district courts may dismiss an action if a Plaintiff fails to comply with "any order of the court."); *see also Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989)(dismissal with prejudice appropriate where warning given); *Chandler Leasing Corp. v. Lopez*, 669 F.2d 919, 920 (4th Cir. 1982)(court may dismiss *sua sponte*).

Accordingly, this case is dismissed *without prejudice*. The Clerk of Court shall close the file.<sup>1</sup>

IT IS SO ORDERED.

July 22, 2014  
Columbia, South Carolina

  
Joseph F. Anderson, Jr.  
United States District Judge

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<sup>1</sup> Under General Order, Misc. No. 3:07-5014-JFA, this dismissal *without prejudice* does *not* count as a "strike" for purposes of the "three strikes" provision of 28 U.S.C. § 1915(g). If Plaintiff wishes to bring this action in the future, he should obtain new forms for doing so from the Clerk's Office in Columbia (901 Richland Street, Columbia, South Carolina 29201).

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**NOTICE OF RIGHT TO APPEAL**

The parties are hereby notified of the right to appeal this Order within the time period set forth under Rules 3 and 4 of the Federal Rules of Appellate Procedure.

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